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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,178	07/08/2003	Ruben Herrera	37310-000204/US/DVA	7088
30595	7590	03/17/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			NGUYEN, LONG T	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,178

Applicant(s)

HERRERA ET AL.

Examiner

Long Nguyen

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: references “Qs” and “Qsb” in Figure 4.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

2. Applicant is requested to submit form PTO-1449 for the IDS filed on 7/8/03 so that the references can be considered. Note that a copy of PTO-892 cited by an examiner in the previous applicant is not an official form for the IDS.

Claim Objections

3. Claims 9-17 objected to because of the following informalities:

Claims 9-11, “bistable circuit element” throughout these claims should be changed to --bistable circuit--.

Claim 9, line 15, “a reference” should be changed to --the reference—because the claim already recite “a reference” on line 12.

Claim 9, line 17, “putout” should be changed to --output--.

Claim 9, line 23, “state switches” should be changed to --state said switches--.

Claims 12-14 are objected to because they depend on claim 11.

Claims 15-17 are objected to because they depend on claim 9.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 9, the recitation “coupling transitions of a predetermined polarity in a binary input signal to said bistable circuit element” is indefinite because it is not understood what it means (i.e., it is not clear what element is coupled to the bistable circuit element). Further, it is not clear what its means by “predetermined polarity” in the above phrase. Note that “predetermined polarity” on line 28 is also indefinite for the same reason. Clarification and/or appropriate correction is requested.

Also in claim 9, the recitation “said switches connected said first terminal of respective ones of said capacitors to respective outputs of said bistable circuit” is misdescriptive because the first terminal of each of the first and second capacitors is connected to the reference voltage (see lines 12-13 and 15 of claim 9), so the first terminal of each of the capacitors cannot be connected to the outputs of the bistable circuits. Note that the claims recited on lines 13 and 16 that the second terminal of each of the capacitors is connected to the first and second switches, respectively, so it appears that the claim should recited that the second terminal of each of the first and second capacitors connected to the first and second output terminals of the bistable circuit, respectively.

Also in claim 9, "said voltage" lacks antecedent basis and it is not clear what voltage that the phrase refers to.

Claims 10-14 are indefinite because they depend on canceled claims 1, 2 and 4 (see the pre-amendment filed on 7/8/03), so the dependency of claims 10-14 are not definite.

Claims 15-17 are indefinite because they include the indefinite problems of claim 9.

Claim 17, "respective reference voltages" on line 3 is indefinite because there is only one reference voltage recited in the claim, so it is unclear where the "reference voltages" come from, so it appears that "respective reference voltages" should be changed to --said reference voltage--.

Conclusion

6. In view of the significant indefiniteness problems noted above, no prior art can be applied against the claims at this time. This is not an indication of allowability to the claims

7. Any inquiry concerning this communication or earlier communications from the examiner should be directly to Examiner Long Nguyen whose telephone number is (571) 272-1753. The Examiner can normally be reached on Monday to Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Callahan, can be reached at (571) 272-1740. The fax number for this group is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0956.

March 6, 2004



Long Nguyen
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